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South Carolina House of Representatives

Legislative Update

Robert J. Sheheen, Speaker of the House

Vol. 11

April 19, 1994

No. 14

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House Week in Review

The week of April 12-15 having been the last week for introductions of House statewide bills or resolutions, a number of bills were introduced this past week. As noted in the previous Update, under House Rule 5.12 no House statewide bills or resolutions introduced after April 14 may be considered by the full House unless two-thirds of members present and voting agree to waive the rule. Senate-introduced legislation must be introduced in the House prior to May 1 in order to receive further consideration in the House this year. Approximately 75 House bills were introduced this past week.

- This past week the House also took up two measures by special order---H. 3631 and H. 4955. H. 3631 would prohibit a health insurance policy or health maintenance organization plan from restricting selection of a pharmacist of a person's choice or from denying a pharmacy or pharmacist the right to participate as a provider under a plan. Approval of H. 3631 came by a vote of 115-4. H. 4955, a joint resolution to transfer a maximum of \$600,000 to a public entity to be loaned for purposes of aiding Charleston's Spoleto Festival, proved more controversial. Supporters of this measure pointed to the large economic impact of the festival and the festival's efforts to improve its financial condition. Opponents, however, questioned the recent shortfalls of the festival and urged the festival to seek a loan through the private sector. In the end, supporters of the joint resolution prevailed, with the measure receiving approval by a vote of 71 to 42.

Bills receiving approval in the House this past week included, among others, H. 4836, a bill to assist with interstate enforcement of child support orders and concerning evidence at paternity hearings; H. 4180, the South Carolina Nonprofit Corporation Act, pertaining to the operations and transactions of nonprofit corporations in this state; and H. 4423, under which convictions for purposes of suspension of a driver's license includes adjudication under juvenile proceedings.

The General Assembly also ratified a number of acts last week, among them S. 541, an act to promote wider availability of health insurance for small businesses; S. 968, which requires the preservation of unidentified bodies for a specified period; and S. 130, which prohibits hazing at the state's public colleges and universities.

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On Wednesday, the General Assembly convened in joint session to elect trustees of various state institutions of higher learning. Election results were as follows:

(cong. dist.=congressional district)
(jud. circuit=judicial circuit)

Charleston University

(6 cong., 2 at-large)
(1st cong. dist., seat 1) Gordan Stine
(2nd cong. dist., seat 3) Harry Lightsey, III
(3rd cong. dist., seat 5) Anne Sheppard
(4th cong. dist., seat 7) Robert Small, Jr.
(5th cong. dist., seat 9) Creighton McMaster
(6th cong. dist., seat 11) David Watson
(at-large, seat 13) Thomas Weeks
(at-large, seat 15) John Clark, III

The Citadel

(2 at-large)
*James Jones, Jr.
*Francis Mood

Clemson University

(3 at-large)
*Harold Kingsmore
*Patricia McAbee
*Joseph Swann

Francis Marion University

(1st cong. dist., seat 1) Howard Lundy, Jr.
(2nd cong. dist., seat 3) James Courie
(3rd cong. dist., seat 5) Carolyn Shortt
(4th cong. dist., seat 7) Randall Dozier
(4th cong. dist., seat 8) Alex Kiriakides, III
(5th cong. dist., seat 9) W.C. Stanton
(6th cong. dist., seat 11) Peter Hyman
(at-large, seat 13) Dianne Brown
(at-large, seat 15) Allard Allston

Lander University

(1st cong. dist., seat 1) Darlene Hyman
(2nd cong. dist., seat 3) Maurice Holloway, II
(3rd cong. dist., seat 5) William Stevens
(4th cong. dist., seat 7) Martha Whitener
(5th cong. dist., seat 9) Glen Lawhon, Jr.
(6th cong. dist., seat 11) Morgan Coker
(at-large, seat 13) Estelle Mauldin
(at-large, seat 15) Bobby Bowers

Medical University of South Carolina

(1st cong. dist., seat 1) Donald Johnson, II
(2nd cong. dist., seat 2) Thomas Rowland, Jr.
(3rd cong. dist., seat 3) Stanley Baker, Jr.
(4th cong. dist., seat 4) Herbert Granger
(5th cong. dist., seat 5) Robert Lake, Jr.
(6th cong. dist., seat 6) Margaret Addison

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South Carolina State University

(3rd cong. dist., seat 3) Charles Lewis
(at-large, seat 12) Johnnie Smith

University of South Carolina

(1st jud. circuit, seat 1) Othniel Wienges, Jr.
(3rd jud. circuit, seat 3) A.S. Bahnmueller
(5th jud. circuit, seat 5) William Hubbard
(7th jud. circuit, seat 7) Toney Lister
(9th jud. circuit, seat 9) Donald Bailey
(11th jud. circuit, seat 11) Michael Mungo
(12th jud. circuit, seat 12) Edward Floyd
(13th jud. circuit, seat 13) Mack Whittle

Wil Lou Gray Opportunity School

(2 at-large)
* Faye Edwards
* Mary Williams

Winthrop University

(2 at-large)
* Mary Anne Lake
* Harold Tuttle, Jr.

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Bills Introduced

The following bills were introduced in the House last week. Not all bills introduced in the House are featured in this Update. The bill summaries are arranged according to the standing committee to which the legislation was referred.

Agriculture, Natural Resources and Environmental Affairs

All-Terrain Vehicles Driven by Handicapped May Be Used on Wildlife Management Lands (H. 5087, Rep. Farr). This bill allows handicapped persons to use all-terrain vehicles while hunting and fishing on wildlife management area lands.

Local School District Boards Not Prohibited from Making Their Facilities Smoke Free (S. 1001, Sen. Hayes). Currently, the State's Clean Indoor Air Act allows smoking in public schools only if the smoking is done in the school's enclosed private offices and teacher lounges. This bill, however, provides that the Clean Indoor Air Act does not prohibit a local school district board from prohibiting smoking in any school district facility.

Education and Public Works

Eligibility for Services at School for the Deaf and Blind (H. 5050, Rep. D. Smith). This bill expands the number of people eligible for services at the School for the Deaf and Blind to include persons who are hard of hearing or visually impaired.

Speed for Mobile Homes Transported on Interstate Highways (H. 5059, Rep. G. Brown). This bill allows mobile homes to be transported on interstate highways at a maximum speed of 55 mph.

Immediate Restoration of Driving Privileges Upon Filing Proof of Financial Responsibility (H. 5070, Rep. Neal). This bill provides for the immediate restoration of the driving privilege of a person whose license has been suspended for operation of an uninsured motor vehicle, if the person provides proof of financial responsibility.

Alternative Teacher Certification (H. 5071, Rep. Neal). Current law requires the State Board of Education to use specific teaching area examinations of the National Teacher Examinations for purposes of

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certifying teachers. This bill provides an alternative method of certification, allowing the Board instead to use a four-year probationary period during which an observational instrument (used by a local school district to evaluate a teacher during his provisional year) could be used to periodically observe and evaluate the teacher, at the end of which a final evaluation of the teacher would be conducted.

Students Objecting to Projects Involving Dissecting Animals May Participate in Alternative Education Project (H. 5072, Rep. Rudnick). This bill allows a student with moral objections against participation in a project involving the dissection or otherwise harm of an animal to be excused from the project. The pupil's objection to the project must be substantiated by a note from his parent or guardian and requires approval of his teacher. As an alternative to the student's participation in that project, the teacher may, if he determines an adequate alternative education project (e.g., using films, computers, etc.) is possible, work with the student to develop and agree upon an alternative project, the purpose of which would be to provide the student an alternate method for obtaining the knowledge, information or experience required by the project to which he objects. The alternative project, while requiring a comparable time and effort investment by the student, must not be more arduous than the original project for purposes of penalizing the pupil, nor may the pupil be discriminated against because of his decision not to participate in the original project.

Students who choose an alternative educational project must pass all exams of the respective course of study in order to receive credit for the course of study, although if the exams require the harmful or destructive use of animals, a pupil may seek an alternative test. Each teacher teaching a course utilizing live or dead animals or animal parts must inform students of their rights to seek alternative projects. These provisions apply to all levels of instruction in South Carolina public and private schools, K-12, but do not apply to classes and activities conducted as part of a program in agricultural education which provides instruction on care, management and evaluation of domestic animals.

Open-End Permits Authorize Mobile Homes To Be Moved on State's Highways on Saturdays (H. 5090, Rep. G. Brown). This bill provides that open-end permits issued pursuant to the state's Uniform Act Regulating Traffic on Highways authorize the movement of a mobile home on the state's highways on Saturdays.

Revision of Composition of Board of Trustees of Medical University of South Carolina (H. 5101, Rep. Kirsh). This bill increases from one to two the number of at-large members appointed to the Board of Trustees of the University of South Carolina and requires one of these at-large appointees to be a physician who practices family medicine.

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Judiciary

Dismissal of Offenses by Magistrates (H. 5052, Rep. Rudnick). This bill allows a magistrate to dismiss without prejudice any offense over which he has jurisdiction in which the prosecuting attorney and/or the law enforcement officers involved fail to appear for trial.

Elections Appeals To Be Heard by Administrative Law Judge (H. 5054, Rep. Rogers). Under these provisions, appeals of election decisions (i.e., winner of an election) of county boards of canvassers would be heard by an administrative law judge, instead of by the State Board of Canvassers (State Election Commission).

Members of State Election Commission May Not Participate in Campaigns During Term in Office (H. 5055, Rep. Rogers). This bill prohibits a member of the State Election Commission, during his term in office, from (1) participating in political management or in a political campaign during the member's term of office, or (2) making a contribution to a candidate or knowingly attending a fundraiser held for the benefit of a candidate. A commissioner violating these provisions is subject to removal by the governor.

Unlawful to Possess, Distribute or Manufacture Controlled Substances while in, on or within a Half-Mile of a Housing Project (H. 5060, Rep. Clyborne). This bill prohibits a person from distributing, selling, purchasing, manufacturing, or possessing with intent to distribute a controlled substance while in, on or within a half-mile radius of the grounds of a housing project, housing development or residential housing approved by the South Carolina State Housing, Finance and Development Authority which provides dwelling accommodations for persons pursuant to the State's Housing, Finance and Development Authority Act. Violation of these provisions is a felony, punishable by a fine not exceeding \$10,000 and/or imprisonment not exceeding 10 years, unless:

(a) the violation involves the distribution, sale, manufacture or possession with intent to distribute crack cocaine, in which case the offense is a felony punishable by a fine of at least \$10,000 or imprisonment of between 10 and 15 years;

(b) the violation involves only the purchase of a controlled substance, in which case the offense is a misdemeanor punishable by a fine not exceeding \$1,000 and/or imprisonment not exceeding one year.

Jury Lists To Be Drawn Solely from Voter Registration Lists (H. 5063, Rep. Jaskwhich). Under current law, jury lists are drawn from a merger of a list of registered voters and a list of all persons age 18 or older with a South Carolina driver's license or state identification card. If this bill is adopted, however, jury lists would be drawn solely from voter registration lists.

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State-County Criminal Justice Partnership Act (H. 5068, Rep. Harrelson). This bill provides for the development and funding of community-based corrections programs, for purposes of reducing (1) recidivism, (2) the number of probation revocations, (3) alcoholism and other drug dependencies among offenders, and (4) the cost to the State and counties of incarceration.

To fund these programs, a State-County Criminal Justice Partnership Act is created within the Department of Corrections, with revenue in the account used only to make grants to counties for supplementary community-based correctional programs for "eligible offenders" (i.e., adult offenders who are in confinement awaiting trial, or were convicted of a misdemeanor or felony offense and received a nonincarcerative sentence of an intermediate punishment, or are serving a term of post-release supervision after completing an active sentence of imprisonment).

The bill creates a 21-member State Criminal Justice Partnership Advisory Board, to include government officials and persons outside government (e.g., member of business community, members of general public, etc.). This board must act as an advisory body to the director of the Department of Corrections in carrying out this act. The bill provides for the selection and terms of board members and lists the duties of the board, which include, among others, recommendation of community-based corrections program priorities, review of the application process and procedures for funding community-based corrections programs, and review of the minimum program standards, policies and rules for community-based corrections programs. Also listed are duties of the Department of Corrections in carrying out these provisions; as examples, the Department must provide technical assistance to applicants in developing community-based corrections programs; develop the minimum program standards, policies and rules for community-based corrections programs; and develop policies and procedures for disbursement of grant funds to participating counties.

Counties may choose to apply for funding of these programs upon approval of the county's governing body and subsequent appointment of a county criminal justice partnership advisory board. Upon the vote of the governing body of each county, 2 or more counties may agree to create a multicounty board instead of a county board. The board must participate in a planning process to develop a community-based corrections plan. This planning process must examine the local criminal justice system, identifying problem areas, offender groups for programs, and developing criteria for evaluating the impact of the community-based program. Based on these and other elements of the planning process, the board must submit a community-based corrections plan to the governing body (or bodies) of a county (or counties) within a year of the last appointment to the governing body. The board also must review and revise the plan and make a formal recommendation to the governing body (bodies) at least annually concerning the plan and its implementation and operation during the ensuing year. The plan must include a variety of data concerning the

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criminal justice system, including, as examples, jail capacity and population data by type of offender, arrest practices and data, and a flowchart describing processing steps of a person from the time of his arrest. Based on this and other information, the plan must include a detailed description of the need for the proposed community-based corrections program, the offender population the program would target, changes planned in local policies, procedures to accommodate the proposed program, and how the program would be integrated into the criminal justice system. The program must target eligible offenders.

Upon approval of the community-based corrections plan, the governing body (bodies) must submit the plan and an application for implementation funding. The director of the Department of Corrections is to review the plan, with failure to disapprove the plan or recommend amendment to the plan within 90 days constituting the plan's approval. Fundable programs under this act include community-based corrections programs which are operated under a community-based corrections plan and funded by the state subsidy provided in this act. Programs may include pretrial electronic surveillance, employment services, restitution centers and other services and programs. A county receiving more than \$50,000 in community-based corrections funds must use at least 50 percent of those funds to develop programs for offenders who receive intermediate punishments. The bill lists a formula for determining the grant amount for which a county or counties seeking to implement community-based corrections may apply and also lists the procedure for a county to terminate its participation in this aid program or to continue receiving such funding.

Responsibility in Parenting Act (H. 5069, Rep. Neal). This bill establishes the crime of "failure to supervise and control a child under 16", a misdemeanor for which the parent or legal guardian of the child may be charged if the child is (1) found truant at least 10 days during a regular school year or at least 5 days during a summer school session; (2) adjudicated a third or subsequent time for committing a "status offense" (i.e., an offense which would not be a felony or misdemeanor if committed by an adult); (3) adjudicated delinquent a third or subsequent time for a nonviolent crime [a nonviolent crime not listed in (4)]; or (4) adjudicated delinquent for a violent crime; a crime in which an illegal weapon was used; distribution or trafficking in illegal drugs; or an alcohol offense for which the penalty if committed by an adult is for more than one year. A parent or legal guardian found guilty of this crime must be punished by imprisonment of not more than three years, a fine of not more than \$3,000, or both; however, in lieu of imprisonment or upon suspension of a sentence, the parent or legal guardian may be ordered to complete a term of community service. Furthermore, in sentencing the parent or legal guardian, the circuit court may take into consideration mitigating circumstances, such as the legal guardian's or parent's legal status with regard to the child.

The bill also provides that in any juvenile delinquency or domestic violence proceeding before the Family Court, it (the court) may designate

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a state agency as a lead agency to conduct a family assessment. A parent, legal guardian, a person having custody or who has assumed custodial responsibility of a child under age 17 who has allegedly committed a "status offense" also may bring a request to the court for family assessment. The assessment report must, among other things, examine the strengths and weaknesses of the family, problems interfering with the functioning of the family and with the best interests of the children in the family, and recommendations for a comprehensive plan to strengthen the family and assist in resolving these issues. The court is to conduct a hearing to review the proposed plan and adopt a plan that will best meet the needs and best interest of the children and the family. In developing a comprehensive plan, the court, among other things, is to consider inclusion of counseling services and economic services (job training, food stamps, etc.). The state agency designated as the lead agency for conducting this assessment also is responsible for monitoring compliance with the court-ordered plan and is to report to the court as required by the court.

The bill increases from \$5,000 to \$10,000 the maximum damages for which the parents or legal guardian of a minor under age 18 are liable if the minor maliciously and willingly injures or destroys personal or public property. Furthermore, the bill expands the jurisdiction of the Family Court, so that the court may require (1) the parent, legal guardian or person having custody of a child brought before the court for a status offense or adjudication of a delinquency matter; (2) parties in a domestic violence matter; and (3) any governmental agency for whom services are sought to cooperate and participate in a plan adopted by the court to meet the needs and best interest of the child and to hold the parents, parties or agencies in contempt for failure to cooperate and participate in the plan. Additionally, the Family Court may hear and determine actions brought before it by a parent, legal guardian or person having custody or custodial responsibility for a child who is alleged to have committed a status offense.

Expungement of Criminal Records (H. 5074, Rep. Martin). Under current law, when charges against a person charged with an offense are dismissed or the person is found innocent, the arrest and booking record, files, mug shots and fingerprints of the person are to be destroyed and evidence pertaining to the charge cannot be retained by a municipal, county or state law enforcement agency. This bill provides that any other official record of arrest of the person also must be destroyed and that the records must not be maintained by a municipal, county or state agency, as opposed to a municipal, county or state law enforcement agency.

Addresses of Registered Voters Changed Because of Implementation of 911 System Must Be Reported to County Board of Registration (H. 5075, Rep. Barber). This bill requires any county which has implemented the enhanced "911" emergency telephone system to furnish to its (the county's) board of registration the names of registered voters whose addresses have changed as a result of implementation of this system. The county's board of

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registration is to use this information for purposes of compiling the county's voter registration list.

Concurrent Jurisdiction in and over Land Acquired by United States (H. 5084, Rep. Wilkins). Current law provides for exclusive jurisdiction in and over land acquired by the federal government in South Carolina to be ceded to the federal government. This bill would also allow, as an alternative, for the federal government, if it so accepts, to exercise concurrent jurisdiction with the State of South Carolina over the land ceded to the federal government.

Extradition of Fugitives for Felonious Issuance of Fraudulent Checks in Other States (H. 5085, Rep. T.C. Alexander). This bill permits the extradition of a person in South Carolina who has been charged with issuing or uttering a fraudulent check in another state, if this offense is a felony under the laws of that state. The bill also revises the courts which are to try persons charged with issuing or uttering fraudulent checks; under these provisions, a person charged with this offense involving an amount of \$500 or less must be tried exclusively in magistrate's court for the first, second or third offense, while the person must be tried exclusively in the court of general sessions if the amount of the instrument is over \$500. A person violating these provisions a fourth or subsequent time, regardless of the amount involved, must be tried in the court of general sessions and if convicted is guilty of a felony. The bill increases the punishment for a person first convicted of this felony, with the minimum fine increasing from \$300 to \$500 and the maximum imprisonment increasing from 2 to 3 years. Additionally, a person convicted of drawing and uttering a fraudulent check must pay restitution within 10 days of his sentence in addition to other authorized penalties. The amount of the restitution is to be determined by the court, with failure to make restitution as required by the court punishable as contempt.

Additionally, while current law provides that each fraudulent check issued or drawn in violation of these provisions constitutes a separate offense, this bill provides that if the amount of the instrument is \$500 or less but, when added to amounts of other fraudulent instruments of which the person was convicted of issuing within 90 days of the date of the last instrument, exceeds \$500, then the person must be tried and punished as if the last instrument exceeded \$500. The bill also requires that before a person can charge another with issuing or uttering a fraudulent check or instrument, he must secure 2 pieces of identification from the maker or endorser of the fraudulent instrument. Both pieces must have an i.d. number, and one must have the maker's or endorser's picture and place the numbers on the face or back of the instrument. Identification is not required, however, if the maker or endorser is personally known to the person to whom it is given, in which case the person must sign an affidavit that the maker or endorser was personally known to him before a charge may be filed.

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Income Withholding for Child Support (H. 5095, Rep. A. Young). This bill contains provisions for medical child support and income withholding, listing requirements by which a court or administrative order must abide when requiring a parent to provide health coverage for a child and the responsibilities of employers and health insurers upon receipt of orders requiring a parent to provide such coverage. A court or administrative order requiring income withholding pursuant to these provisions has priority over all other legal processes under state law against money, income or periodic earnings of the noncustodial parent, except an order of income withholding for child support. The bill also prohibits an employer from discharging, refusing to employ or taking other disciplinary action against a person because of an income withholding order for child support prohibits a health insurer from denying enrollment of a child under the health plan of the child's parent on grounds that the child was born out of wedlock, is not claimed as a dependent on the parent's tax return or does not reside with the parent or in the insurer's area, and lists conditions under which the State Health and Human Services Finance Commission must seek recovery of medical assistance under the Title 19 State Plan for Medical Assistance from a person's estate.

Time Limitation for Enforcing Mental Health Liens (H. 5096, Rep. Rudnick). Under current law, an action to enforce a lien on the property of a person who is receiving or has received care or treatment in a State mental health facility may not be brought more than one year after the patient's or trainee's death. This bill revises provisions governing such enforceability to provide that action to enforce the lien cannot be brought more than one year after the patient's or trainee's death or more than ten years after the lien is filed, whichever occurs first.

Public Official for Purposes of Ethics Act Includes Members of the Judiciary (H. 5103, Rep. Vaughn). This bill expands the definition of "public official" for purposes of enforcement of the State's Ethics, Government Accountability and Reform Act to include member of the Judiciary.

Physical Therapist Not Entitled to Benefit Under an Insurance Policy (H. 5104, Rep. Waldrop). This bill provides that no right exists for a physical therapist or physical therapist assistant to have paid to them a benefit under an insurance policy and revises definitions pursuant to the state's physical therapy practice act, to allow a physical therapist, without a prescription, to conduct a one-time physical therapy examination on an individual and to define "prescription" as a designation later confirmed in writing of physical therapy treatment by a licensed doctor. Additionally, the bill prohibits treating by, instead of practicing, physical therapy independent of a prescription of a licensed doctor or dentist.

Definitions Used in Regulation of Pistols (H. 5113, Rep. Hodges). This bill defines certain terms used in the state's statutes pertaining to regulation of pistol sales. Under these provisions, a "business day" is a

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day on which state offices are open; "chief law enforcement officer" is the Chief of the South Carolina Law Enforcement Division (SLED); "purchaser" refers to a person who knowingly buys or offer to buy, receives or otherwise requests a firearms dealer to deliver or transfer a pistol; "DIN" (dealer identifier number) is a unique number issued to each firearms dealer licensed in South Carolina to sell pistols; and an "application" refers to the Firearm Transaction Form, which a person must fill out in presence of a dealer prior to a pistol purchase.

Revision of Boundary Between Georgia and South Carolina Along Lower Savannah River (H. 5115, Rep. Boan). This bill further specifies the boundary between Georgia and South Carolina along the lower reaches (near the seaward end) of the Savannah River.

Governments or Persons Suffering Negative Economic Impact Because of a Regulation May Bring Action Before Administrative Law Judge Seeking Declaratory and Injunctive Relief (H. 5127, Rep. Davenport). This bill allows a person, community, municipality or county which suffers a substantial negative economic impact as the result of enforcement of a regulation to bring an action before an administrative law judge against the agency which promulgated the regulation, seeking relief. Under these provisions, relief includes a declaratory judgment of the need and reasonableness of the regulation and an injunction prohibiting the enforcement of the regulation. Appeals from decisions of an administrative law judge pertaining to such relief must be taken to the circuit court.

Notification of Subject of Child Abuse or Neglect Report of Right to Legal Counsel (H. 5128, Rep. Davenport). This bill requires that the subject of a case decision (report) on the part of the Department of Social Services which reveals child abuse or neglect must be notified of his right to legal counsel in any matter related to that decision.

Annexations of Government Property (H. 5134, Rep. Wilkins). This bill provides that if territory proposed to be annexed belongs to the federal government or to the State of South Carolina and is adjacent to a municipality or included within territory proposed for annexation, then such territory may be annexed only upon petition to the municipality by the federal government or the State; in other words, no territory belonging to the federal or state government may be annexed in any other way except through these provisions. The bill also allows territory belonging to the federal or state government to be annexed through the "75 percent method" (by which 75 percent of the freeholders owning at least 75 percent of the assessed real property in an area request annexation); provides that for purposes of this annexation method (1) any real property owned by a governmental entity and leased to another entity pursuant to a fee-in-lieu of taxes transaction is considered to have an assessed valuation equal to the original cost of the real property; (2) lessees of that property pursuant to fee-in-lieu of taxes is the freeholder with respect to that property; and (3) any real property included within a

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multicounty park is considered to have the same assessed valuation that it would have if this park did not exist.

Repeal of Provision Requiring a Magistrate to Arrest a Person Committing a Crime in His Presence (S. 506, Sen. Rose). This bill deletes a provision which requires a magistrate to arrest and commit a person who commits a crime in the presence of the magistrate.

South Carolina Nonprofit Corporation Act (S. 768, Sen. Passailaigue). This bill was introduced as a companion bill to H. 4180 (which was passed by the House on April 13 and is currently pending in the Senate), further providing the manner in which nonprofit organizations operate and transact business in South Carolina.

Alternate Means of Entering Satisfaction of Mortgage (S. 1312, Sen. Land). This is the companion bill to H. 4983, introduced in the House on March 29, providing an alternate method for entering satisfaction (i.e., cancellation, release and discharge) of a mortgage, deed of trust or other written instrument securing payment of property and being a lien on property. The bill provides that if a mortgage, deed of trust or other written instrument recorded in counterparts, then the original of the instrument is not required to be presented and satisfaction of the instrument may be evidenced by satisfaction executed in counterparts, executed by the mortgagee, the holder of the mortgage, the legal representative or the attorney-in-fact.

Homeowner's Associations Exempt from Provisions Pertaining to Terms and Staggered Terms of Directors of Corporations (S. 1317, Sen. Courtney). This bill exempts homeowners' associations from provisions of the South Carolina Business Corporation Act pertaining to terms and staggered terms of directors of corporations.

Labor, Commerce and Industry

Licensed Adjusters and Applicants for Adjusters Subject to Continuing Insurance Education Requirements (H. 5047, Rep. J. Bailey). This bill provides that the continuing education requirements for insurance agents also applies to persons licensed as adjusters and applicants for licensure as an adjuster.

Workers' Compensation Uninsured Employers' Fund (H. 5053, Rep. MoO. Alexander). This bill strengthens the powers of the South Carolina Workers' Compensation Uninsured Employers' Fund, a Fund which currently ensures payment of workers' compensation benefits to injured employees whose employers have failed to acquire necessary coverage for their employees. The bill allows the Fund, when placing a lien against the assets of an employer operating without coverage (for purposes of reimbursing the Fund for costs/expenses incurred or benefits paid), to file a lien with the register of mesne conveyances, as an option to filing

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with the clerk of court, of any county where the employer has assets. The bill also makes it optional, instead of mandatory, for the Fund to cancel the lien when the employer agrees to reimburse the Fund. Additionally, the bill allows the Fund to subpoena an employer if one of his (the employer's) employees makes a claim for workers' compensation benefits and the Fund learns that the employer is operating without workers' compensation insurance. In the event the subpoena is not obeyed, the court of common pleas, upon application by the Fund, may issue an order requiring the person to appear before the Fund and with any records or information requested by the Fund.

Also under these provisions, if a corporation, professional association or professional corporation operates without workers' compensation insurance or as an unqualified insurer, and (1) fails to pay an award of the Workers' Compensation Commission or any appellate court under the State's Workers' Compensation Law, or (2) lacks adequate capitalization to reimburse the Fund for expenses, costs and benefits paid by the Fund, then the stockbrokers of the corporation, professional association or professional corporation must reimburse the Fund from their individual assets, without regard to any limitation of personal liability granted by any act or common law.

Coverage Under Health Insurance Policy (S. 1145, Sen. Richter). This bill provides that if an accident or health insurance policy provides for payment or reimbursement for a service within the scope of a licensed social worker, licensed independent social worker, licensed marriage and family therapist or psychiatric clinical nurse specialist, then the insured or other person entitled to benefits under the policy is entitled to payment or reimbursement in accordance with the usual and customary fee for the services whether performed by any of those people (e.g, licensed social worker, licensed independent social worker, etc.).

Medical, Military, Public and Municipal Affairs

Requirements before a County Board of Disabilities and Special Needs May Purchase Certain Property (H. 5051, Rep. Harrell). This bill requires a county board of disabilities and special needs, prior to purchasing real property located within or adjacent to a residential area on which clients of the Department of Disabilities and Special Needs will reside, to conduct a public hearing in the area on its intended use of the property. Notice of the hearing must be published in a newspaper of general circulation within the area at least 2 weeks before the hearing and also must be given by displaying a sign on the property for at least 2 weeks prior to the hearing.

Department of Health and Environmental Control to Assess Registration Fee for Possession and Use of X-Ray Equipment (H. 5077, Rep. Simrill). This bill requires the Department of Health and Environmental Control to assess an annual registration fee for possession and use of X-

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ray machines and equipment. The bill lists the fees for various x-ray equipment; as examples, registration of a dental x-ray machine would be \$20; registration of a baggage checker would be \$30; and registration of an accelerator x-ray machine would be \$50.

Performance of Open Heart Surgery in Emergency Situations (H. 5098, Rep. Rudnick). Current law requires a health facility to obtain a certificate of need from the Department of Health and Environmental Control (DHEC) before undertaking certain activities (e.g., addition of more beds, acquisition of medical equipment exceeding a certain regulated cost, etc.). This bill would require DHEC to permit a hospital without a certificate of need to perform open heart surgery in an emergency if the hospital is at least 40 miles from another hospital licensed by DHEC which has an existing open heart surgery unit. In allowing a hospital to perform emergency open heart surgery, DHEC must impose, and the hospital must comply with, reasonable additional quality assurance standards.

Recipients of Aid to Families with Dependent Children Must Repay Their Benefits (H. 5126, Rep. Davenport). This bill requires, as a condition for eligibility for benefits under AFDC (Aid to Families with Dependent Children), that a person agree to repay the State for these benefits received. Repayment would begin 24 months after the last benefit is paid, at an annual interest rate of 5 percent. At the time the last benefit is paid to the recipient, the Department of Social Services (DSS) would provide the recipient with the total amount of benefits paid and a repayment amount and schedule. Anyone accepting AFDC benefits is considered to have agreed to repay these benefits to the State. These repayment requirements would apply to recipients who apply, reapply or are reinstated for AFDC benefits on or after the effective date of these provisions and apply only to benefits paid on or after this act's effective date. Implementation of the act is contingent on DSS obtaining a waiver from the U.S. Department of Health and Human Services.

Health Care Referrals (H. 5132, Rep. Harwell). Current law allows, in certain circumstances, a health care provider to refer a patient to an entity where the provider has a financial interest if he furnishes the patient with a written disclosure form, informing the patient of, among other things, the existence of the provider's interest and the patient's right to choose another entity. This bill exempts the provider from these disclosure requirements if he is personally involved in the provision, supervision or direction of care to their patients.

Department of Social Services Must Provide Applicants for AFDC Assistance with Family Planning Information (S. 891, Sen. Short). This bill requires the Department of Social Services (DSS) to provide an applicant for assistance through the AFDC program (Aid to Families with Dependent Children) information on methods of contraception and family planning, excluding abortion counseling. The Department of Health and Environmental Control (DHEC) must provide packets on this information to DSS. If the applicant expresses interest in scheduling an appointment with

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a local health department to obtain further family planning information and counseling, then DSS must assist the applicant in scheduling the appointment.

Ways and Means

State Officers or Employees Convicted of Felonies Ineligible for State Retirement Benefits (H. 5048, Rep. Hodges). This bill prohibits a state officer or employee convicted of a felony arising out of the performance of official duties from being eligible to receive any benefits from the state's retirement systems. This denial of benefits also applies to the officer's or employee's surviving spouse or other beneficiary. However, the individual is entitled to a refund of contributions made to the retirement systems, with these refunds made to the individual (i.e., state officer or employee) or, if deceased, to his beneficiary. These provisions apply to all state officers and employees who are members or beneficiaries of various state retirement systems as of July 1, 1994; all state employees first employed after June of 1994, or all state officers elected or appointed for a specific term of office for terms commencing after June of 1994. The bill also provides that a holding that any portion of this bill is unconstitutional or invalid does not affect the constitutionality or validity of remaining portions of the bill.

Judges or Solicitors Convicted of Felonies or Misdemeanors Ineligible for Retirement System Benefits (H. 5049, Rep. Meacham). This bill prohibits a judge or solicitor convicted of a felony or misdemeanor arising out of performance of his official duties from receiving any benefits from the state's retirement systems. This ineligibility for benefits applies also to the judge's or solicitor's surviving spouse or other beneficiary. However, a judge denied these benefits is entitled to a refund of contributions made to the retirement system, with these benefits paid to the judge or solicitor or, if deceased, to his beneficiary. These provisions apply to all judges or solicitors who are members of or beneficiaries of the state's retirement systems (including their survivors and beneficiaries) as of July 1, 1994; judges or solicitors first employed after June of 1994; and judges or solicitors elected or appointed for a specific term of office for terms commencing after June of 1994. The bill also provides that a holding that any portion of this bill is unconstitutional or invalid does not affect the constitutionality or validity of remaining portions of the bill.

Retirement Benefits for Retirees Under the State's Retirement System for Judges and Solicitors Who Subsequently Are Elected to the General Assembly (H. 5061, Rep. Carnell). This bill requires a person receiving benefits under the State's Retirement System for Judges and Solicitors, and who subsequently is elected to the General Assembly, to be a member of the General Assembly Retirement System unless the person chooses not to be a member by filing a statement with the Budget and Control Board indicating his desire not to participate. A person choosing not to

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participate would be ineligible for any benefits from the General Assembly Retirement System after ceasing to be a member of that body.

Surcharge Added to Vehicle Registration and Licensing Fees for Emergency Medical Service Purposes (H. 5062, Rep. Spearman). This bill adds an annual surcharge of \$1.00 to motor vehicle licensing and registration fees (\$2.00 if the registration and licensing period is biennial). with funds from the surcharge transferred to the Department of Health and Environmental Control (DHEC), which in turn must annually allocate these funds to counties for improvements to the emergency medical service system and to emergency medical service regional councils for administration of training programs and technical assistance to local emergency medical service units. Of these funds, 81 percent are to be allocated to counties, 12 percent to emergency medical service regional councils, and 7 percent to DHEC's Environmental Control's emergency medical service office to administer the emergency medical service program and establish and maintain the emergency medical service data base.

Definition of "Personal Emergency" Amended for Purposes of the State Employee Leave-Transfer Program (H. 5079, Rep. Boan). This bill amends the definition of "personal emergency," for purposes of using pool leave under the State's Employee Leave-Transfer program, to mean a catastrophic and debilitating medical situation, severely complicated disabilities, severe accident cases or family medical emergencies.

School Bond Property Tax Relief (H. 5088, Rep. McCraw). This bill allows a school district to enact a 1 percent sales and use tax within its jurisdiction to pay debt service on general obligation bonds issued for school improvements (e.g, school construction, renovations, etc.), with money from this tax used to reduce property taxes which fund debt service. In enacting this tax, the governing body of a school district first would pass a resolution, specifying the improvements to be financed through issuance of general obligation bonds of the school district together with the imposition of the tax; the maximum time (not exceeding 20 years) for which the tax may be imposed; and the maximum principal amount of general obligation bonds to be issued and repaid with these tax proceeds. A referendum then would be conducted on the question of imposing the optional sales and use tax in the district. If a majority of those voting are in favor of the tax, then it is imposed beginning on the first day of the third full month following the filing by the election commission of the declaration of results of the referendum with the Department of Revenue and Taxation. A referendum on imposing this tax may not be held more than once in a 12-month period. The tax terminates on the final day of the maximum time specified for the imposition, or, if earlier, but not if later, upon payment of the final maturing installments of the bonds to which application of the tax is authorized, or upon payment of the final maturing installments of principal of general obligation bonds issued to refund the bonds.

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This extra 1 percent tax would not apply to the sale of items subject to a sales tax cap (e.g, motor vehicles, boats, etc.), nor to sale of food which may be purchased lawfully with United States Department of Agriculture food stamps. Tax revenues from this 1 percent tax are remitted to the State Treasurer and credited to a fund separate and distinct from the State's general fund. The State Treasurer must distribute the revenues from this tax on a quarterly basis to the county treasurer holding the debt service funds established for payment of principal and interest on the bonds to which this tax is applicable. The county auditor must reduce the next levy of property taxes required to pay debt service on bonds to which the 1 percent tax is applicable by the amount of tax revenues collected as of June 30 by the county treasurer. Taxes collected as of June 30 of a calendar year in excess of amounts required to pay debt service due in the 18 months following the June 30 on bonds to which the tax is applicable must be applied to reduce the next levy of property taxes required for payment of the school district's operational and maintenance costs.

Revision of Salary Schedule for Judges of Court of Appeals, Circuit Court, Family Court, and Solicitors (H. 5105, Rep. Felder). This bill revises salaries for judges and solicitors, fixing the salaries of those officials based on a fixed, as opposed to a maximum, percentage of the salary of an associate justice of the State Supreme Court, as listed below:

(a) provides the salary of the Chief Judge of the Court of Appeals is 99 percent, instead of "an amount not to exceed 99 percent" of the salary fixed for an associate justice of the Supreme Court;

(b) provides that the salary of a judge of the Court of Appeals is 97.5 percent of the salary fixed for an associate justice of the Supreme Court. (Currently a judge of the Court of Appeals receives a salary not exceeding 95 percent of the salary fixed for an associate justice of the Supreme Court.)

(c) provides that the salary of a circuit court judge is to be 95 percent, as opposed to "an amount not exceeding 95 percent" of the salary fixed for an associate justice of the Supreme Court.

(d) provides that the salaries of family court judges and solicitors is to be 92.5 percent of the salary fixed for associate justices of the Supreme Court. Currently salaries for family court judges and solicitors are based on a maximum percentage of the salary of a judge on the Court of Appeals or Circuit Court.

The percentage salary increases listed in this bill for judges of the Court of Appeals, Family Court and solicitors are to gradually phased in, with 50 percent of the increase effective January 1, 1995 and the remaining 50 percent effective January 1, 1996.

Children's Trust Fund (H. 5106, Rep. Sheheen). This bill provides that the purpose of the Children's Trust Fund of South Carolina, and its powers and duties, is to prevent child abuse and neglect, instead of being for the offering of an array of prevention and treatment programs for children.

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Applicant for Driver's License and Persons Admitted to Hospitals Must Be Provided Opportunity To Be an Organ or Tissue Donor (H. 5118, Rep. Neal). This bill requires each application for a new, renewed or replacement driver's license to contain a statement asking the applicant if he wishes to be an organ or tissue donor. The license must contain information indicating the person's response. Additionally, when a person is admitted to a hospital, the hospital must ask if he wishes to be an organ or tissue owner. If the person is incapable of responding, then a person authorized to speak on behalf of that person (e.g., health care agent, spouse, etc.) must answer for the admitted patient.

Transfer of Monies from Superb Financial Responsibility Fund to Department of Health and Environmental Control Superb Account (H. 5121, Rep. Mattos). This joint resolution authorizes the Budget and Control Board to make a one-time transfer of \$3,000,000 from its Superb Financial Responsibility Fund to the Department of Health and Environmental Control's (DHEC's) Superb Account, so the DHEC can meet its administrative responsibilities for the State's Underground Environmental Response Act.

Lower Maximum Finance Charges for Consumer Loans Made by Unsupervised Lenders (H. 5135, Rep. Meacham). This bill lowers from 18 to 12 percent the maximum yearly finance charge which may be imposed on an unsupervised consumer loan, with the definition of a "supervised" loan correspondingly changed to mean a consumer loan where the yearly finance charge is more than 12 percent, instead of 18 percent.

Statewide Automated Electronic Voting System (H. 5136, Rep. Wilkes). This bill requires the State Election Commission to determine the cost of producing ballots for a statewide automated electronic voting system and to report the resulting economies (from comparing cost of this system vs. other systems used by counties) to the governing bodies of all counties. The commission also must complete a study on the reduction in the need for poll workers because of automation and establish a list of counties wishing to participate in this electronic voting system program.

Access to Safety Deposit Boxes (S. 413, Sen. Land). This bill revises provisions pertaining to access to and payment of rent of safety deposit boxes. The bill allows military discharge papers to be removed from a decedent's safety deposit box and provides for release of the box contents to his personal representative. Additionally, the bill allows a box to be opened for unpaid rent after 90 days, instead of 1 year; allows contents of an unclaimed box to be sold at public auction after 1 year, instead of 2 years; and allows documents of little or no value to be destroyed after 1 year, instead of 2 years. The bill also deletes a provision requiring notice of transfer of various assets of decedents to be provided to the Tax Commission.

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Exemption from Excise Fee on Motor Oil (S. 887, Sen. Courson). This bill exempts motor oil and similar lubricants sold to the federal government from the State's solid waste excise fee on motor oil.

Sales Tax Exemption Certificate (S. 1250, Sen. Peeler). This bill requires the Department of Revenue and Taxation to prescribe an exemption certificate for use by persons purchasing various agricultural-related items exempt from the sales and use tax. The certificate may be presented at the time of each tax-exempt purchase or a copy of the certificate may be kept on file by the retailer. When a tax-exempt purchase is made pursuant to a certificate on file, the purchaser must note on the invoice the exempt items, state that the purchases are for tax-exempt purposes and sign the invoice. When a purchase order meets the requirements of these provisions, the purchaser becomes liable for any tax determined to be due on the sale.

Without Reference

Community Corrections Incentive Act (H. 5057, House Judiciary Committee). This bill addresses the state's sentencing policies, eliminating parole and implementing "truth in sentencing," and enacting other provisions pertaining to inmates.

Identifying a need for additional local correctional facilities to enable nonviolent offenders to reside in less costly community correctional facilities, the bill requires the South Carolina Sentencing and Corrections Policy Commission to create a plan whereby the state can establish a partnership with local governments to meet the corrections and incarceration needs of both state and local governments, by offering less costly facilities for housing both state and local inmates in alternative sentencing programs.

As pertains to wage garnishment and other remedies for default of payment of fines, costs and penalties, the bill allows wage garnishment, in cases where the defendant has not attempted to pay but is able to do so, by permitting the court to order a defendant's employer to withhold and pay over to the clerk of court amounts necessary to comply with the order of payments plus other expenses and costs. Additionally, the clerk of court must submit to the chief administrative judge and to the Department of Probation, Pardons and Parole quarterly reports of fines, costs, forfeitures and penalties imposed in his court which remain unpaid, and the Department must institute proceedings for the collection and satisfaction of these fines, etc. If a defendant is unable to make immediate payment of a fine, restitution, etc., then the court may order payments in installments. The solicitor or court may hold a hearing requiring a defendant to show cause for defaulting on these payments. If a defendant defaults without good cause, the court may order civil judgment, suspension of driver's license or other actions.

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The bill provides for a 1-year statute of limitations for initiating post conviction relief proceedings and establishes a statewide pretrial classification program to improve the system of release of persons on bond. The governing bodies of two or more counties or municipalities may join in establishing detention facilities to confine persons and may requires persons committed to those facilities to be usefully employed (unless disqualified because of sickness or other reasons). Additionally, the director of the Department of Corrections may establish a program involving use of inmate labor in private industry and enter into contracts with private companies; articles, products or services produced pursuant to contracts under these provisions are exempt from current prohibitions against the sale of products produced by inmates.

The bill also allows for establishment of criteria for a "reasonable deduction" from money credited to an inmate's account (regardless of whether the inmate is detained in a municipal or county jail or state correctional facility) to repay costs of public property wilfully damaged or destroyed by him during incarceration; medical treatment for injuries inflicted by the inmate upon himself or others; searching for and apprehending the inmate when he escapes or attempts to escape, or quelling a riot or other disturbance in which the inmate is unlawfully involved. (This provision is similar to H. 3999, currently on the House contested calendar, and to a permanent proviso adopted last month by the House in the 1994-1995 general appropriation act.) The Department of Corrections is required to obtain information from prisoners regarding their assets, with this information, along with an estimate of the total cost of care for the prisoner, forwarded to the attorney general, who in turn may seek reimbursement if he has good cause to believe that the assets are sufficient to recover at least 10 percent of the cost of caring for the prisoner. The bill also establishes the South Carolina Sentencing and Corrections Policy Commission, replacing the current Sentencing Guidelines Commission, to develop comprehensive plans in the area of corrections policy.

The bill also contains a number of provisions pertaining to "truth in sentencing," as follows:

---Requires a prisoner in the Department of Corrections convicted of a violent crime to serve 70 percent of his sentence before being eligible for work release, while a prisoner convicted of a nonviolent crime must serve 60 percent of his sentence before eligibility for work release. Furthermore, a prisoner in the Department of Corrections is ineligible for early release unless he has served 80 percent of his sentence (if convicted of a violent crime) or 70 percent of his sentence (if convicted of a non-violent crime).

---Abolishes parole and implements truth in sentencing for purposes of sentencing criminals. Under current law, prisoners may serve less time than that to which they are sentenced because of parole. Under these provisions, however, persons sentenced for crimes are to serve the full

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time for which they are sentenced. Persons sentenced up to life for crimes (e.g., murder, lynching, homicide by child abuse, etc.) must serve a term for life, with life imprisonment thus meaning until the prisoner dies.

---Requires a person convicted of armed robbery to serve a mandatory minimum sentence of 10 years.

---Requires a person who has two convictions for a violent crime, regardless of whether he is considered a violent offender, to be punished upon a third conviction for a violent crime for a term of imprisonment up to life (again, with "life imprisonment" interpreted literally---i.e., imprisonment until death).

---Limits the ability of the director of the Department of Corrections to allow a prisoner to temporarily leave prison by deleting provisions authorizing him to allow a prisoner to leave temporarily for activities such as contacting prospective employers or visiting or attending the funeral of a spouse, child or parent. Instead, under these provisions, temporary release may be granted only for the prisoner to obtain medical services not otherwise available.

---Allows counties or municipalities to arrange with other counties or municipalities or a local regional correctional facility for the detention of its prisoners. Requires the Department of Corrections to notify the solicitor, sheriff, judge and registered victims before releasing inmates on work release, with the Department permitted to deny participation based on the opinions received.

School Safety and Juvenile Justice Reform Act of 1994 (H. 5058, House Judiciary Committee). This bill contains a number of provisions to address the problems of school safety and juvenile crime in South Carolina by focusing on several areas---(1) long range plans for treatment of juvenile offenders; (2) increased punishment for the most serious juvenile offenders; (3) making schools safer; (4) establishment of a pilot project of child-focused school-based counseling services; (5) greater involvement of parents in their children's education; (6) improved handling of truant cases; and (7) confidentiality of juvenile records.

As pertains to long range plans for treatment of juveniles, the bill, among other things, requires the Department of Juvenile Justice (DJJ) to develop a 5-year phase-in plan to decentralize DJJ and develop regional, smaller-sized secure bed facilities. DJJ also is to develop diversified community-based services for non-violent offenders and develop the use of community-based non-residential evaluation centers. The budget of DJJ must reflect a shift of services to community-based programs and use of innovative management practices and other tactics. Also, DJJ, solicitors and family court must develop programs to present to students in schools concerning the consequences of committing crimes and delinquent acts. The bill permits a family court judge in any juvenile delinquency proceeding to designate a state agency to take the lead in providing a

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family assessment to the court. Based on the assessment, the court may adopt a plan as part of its order to meet the needs of a juvenile. The jurisdiction of the family court is expanded allow it to require the parent of a child adjudicated on a delinquency matter and the agencies providing the family services to cooperate and participate in a court-ordered plan developed to meet the child's needs. Also, DJJ or the county or regional preadjudicatory facilities where juveniles are detained until their hearing are required to offer educational programs and services for these juveniles.

In the area of increased punishment for juveniles, the bill increases from \$1,000 to \$3,000 the maximum fines which may be imposed on a person convicted of carrying a weapon on school property and requires confiscation of that weapon. The bill also changes provisions pertaining to court jurisdiction over juveniles; as an example, the bill provides that a child 16 or older who commits an offense which would be a misdemeanor if committed by an adult or who commits a felony with maximum sentence of 10 years or less may be bound over by the family court to the circuit court if the former finds it is not in the best interest of the child or public to retain jurisdiction. Also, the circuit court is allowed to sentence persons under age 17 under the Youthful Offender Act if (a) the person is under 17 and has been bound over to circuit court jurisdiction by family court, or (b) the person is 16 and has been charged with a felony carrying a maximum imprisonment of 15 years or greater.

In addressing school safety, the bill, among other things, requires a parent who enrolls a student in a different school than the previous school to provide sufficient information for the enrolling school to obtain the child's complete permanent record and requires a district board of trustees to expel for at least the remainder of the school year any pupil adjudicated delinquent or found guilty for committing certain violent crimes. The bill also provides money to employ safety coordinators in school districts; requires metal detectors in public schools; requires development of a conflict resolution curriculum for schools; requires each school and school district to have an approved safety plan by 1996 and provides for the Department of Education to use state funds to establish a Schoolhouse Safety Resource Center, which would serve as a resource on safety in schools and approve school and district safety plans.

The bill also requires the Department of Mental Health and the Department of Education to jointly establish a 3-year pilot project of child-focused school-based counseling services in public middle and junior high schools, with it being the General Assembly's intent to expand these services statewide if proven successful during pilot testing..

In providing for greater involvement of parents in their children's education and improving handling of truancy cases, the bill, among other things, requires school attendance to be an integral part of juvenile probation orders and requires probation and parole counselors to assist their clients' re-enrollment in school upon release from confinement.

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School districts are required to report a parent's wilful neglect to enroll his or her child in school to the solicitor, who then must immediately petition the family court for a hearing and order directing the parent to enroll the child. Schools must promptly notify parents when their children are unlawfully absent. The bill also lists provisions for handling non-attendance in school. As examples, after 3 consecutive or 5 cumulative unlawful absences, the school district must schedule a conference with the parent and student to formulate a proposed intervention plan; and upon accumulation of 10 unlawful absences, the family court may modify the intervention plan, order a parent to attend a parental responsibility program, or the court may take other steps. The family court is authorized to order assessments of families whose children are identified as "being in need of services or counseling to prevent violent behavior," and after finding that the child's behavior can be modified, the court may order an assessment of the family and order participation in treatment or services.

In addressing the confidentiality of juvenile records, the bill opens a juvenile's record to public inspection under certain circumstances (e.g., violent offense, use of illegal weapon), allows a law enforcement officer to notify a school when a child is taken into custody for an offense which would be a felony or misdemeanor if committed by an adult, and requires DJJ to release records of juveniles adjudicated delinquent for committing offenses specified in the bill (i.e., violent crime, use of illegal weapon during crime, distribution or trafficking in unlawful drugs, or an alcohol-related offense for which the penalty exceeds 1 year) upon request of the attorney general or solicitor pursuant to a current criminal investigation or prosecution. Also allows a juvenile's identity to be made public and his fingerprints transmitted to SLED (State Law Enforcement Division) and the FBI for the above-mentioned offenses.

Quail Season in Game Zone 8 (H. 5094, Rep. Rhoad). This changes the final date of the hunting season, without use of weapons for quail in game zone 8 (Darlington, Lee and Sumter Counties) from March 15 to March 1, so that the quail hunting season (without weapons) in that game zone would run from Thanksgiving Day through March 1.

Retention of Identifying and Statistical Information on Child Abuse (H. 5102, Rep. Wells). This bill requires certain information maintained by the Central Registry of the Department of Social Services pertaining to persons named in affirmative determinations of child abuse or neglect to be retained by the Department in accordance with a retention schedule promulgated in regulation by the Department, instead of requiring these records only to be maintained for 7 years.

Human Resources Coordinating Council Must Submit to the General Assembly a Plan for Training of State Employees for Efficient Delivery of Services (H. 5133, Rep. J. Brown). This joint resolution requires the Human Services Coordinating Council, in conjunction with the Budget and Control's Office of Human Resources, to submit to the General Assembly a

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plan for the training of state employees for the purpose of delivering human services in an efficient, cost-effective and cross-cultural manner. Additionally, the Human Services Coordinating Council and the Budget and Control Board's Office of Human Resources must report annually on implementation of these provisions, beginning no later than January 1, 1995.

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Other Bills Introduced Last Week

Last week, a number of "skeleton bills" were introduced in the House to meet the April 14 deadline for introduction of House bills. "Skeleton bills" basically are bills with only a title, with the actual contents of the bills not included when introduced. Below are listed those skeleton bills and the committees to which they were referred:

H. 5097 (Rep. Tucker), would revise penalties for the use, while hunting, of a firearm or archery tackle in a criminally-negligent manner. This bill has been referred to the Judiciary Committee.

H. 5099 (Rep. Tucker), would provide for the research, detection, control and abatement of radon by the Department of Health and Environmental Control (DHEC) and create a Radon Trust Fund, to be administered by DHEC, which would be funded in part through a surcharge on local building permits. This bill has been referred to the Medical, Military, Public and Municipal Affairs Committee.

H. 5117 (Rep. Neilson), would implement the Parental Involvement and Juvenile Responsibility Act of 1994. This bill has been referred to the Judiciary Committee.

H. 5124 (Rep. Davenport), would implement the Religious Rights of Students Act of 1994. This bill has been referred to the Education and Public Works Committee.

H. 5125 (Rep. Davenport), would require, by 1998, the Budget and Control Board to devise, and the General Assembly to enact, a plan to intercept federal individual and corporate income tax payments made by South Carolina residents. The purpose of this interception is to reimburse the costs to state and local governments of unfunded federal mandates. The bill also would provide for negotiations with the federal government on the remaining balance of intercepted taxes to be remitted to the federal government. This bill has been referred to the Ways and Means Committee.

H. 5129 (Rep. Houck), would revise various provisions of the Lead Poisoning Prevention Control Act. Referred to the Agriculture, Natural Resources and Environmental Affairs Committee.

H. 5130 (Rep. Law), would require payment of the license tax on cigarettes and tobacco products by the "reporting method," rather than by tax stamps. This bill has been referred to the Ways and Means Committee.